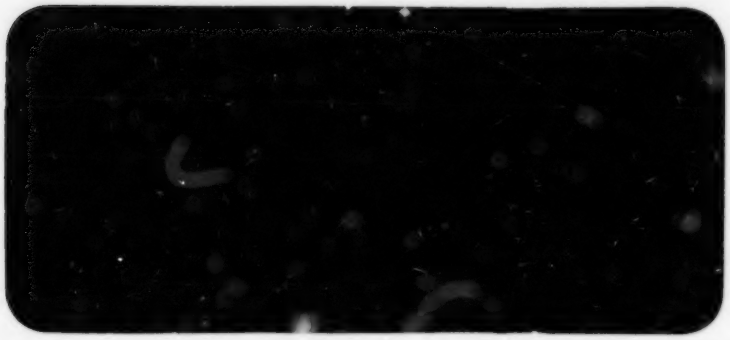
Board of Funeral Services



ANNUAL REPORT

for

1989

BOARD MEMBERSHIP

The Board of Funeral Services was established by the Funeral Services Act in 1976 to succeed the Board of Administration which had a history dating back to 1914.

The Funeral Services Act requires that the Board shall be composed of five funeral directors and three lay persons all appointed by the Lieutenant Governor in Council.

MEMBERS - 1989:

Chairman	James L. Sargent	Thunder Bay
Vice-Chairman	James A. Erb	Waterloo
Secretary-Treasurer	Elizabeth Castelli*	Hamilton
Members	Barbara Beck*	Peterborough
	Frank G. Eagleson	Southampton
	Mary Lee*	Chatham
	James Reid	Leamington
	Donald Smith	Burlington

* Denotes Lay Member

BOARD STAFF - 1989:

Registrar:	Alison M. Reynolds
Administrative Inspector:	Sheila M. Nunn
Inspector:	Donald Perreault
Secretary:	Regina Bergin Ellen Smoor

LEGAL COUNSEL:

Donald Posluns	Porter, Posluns & Harris Barristers & Solictors

AUDITOR:

John Mayhue	Harris & Wright

FUNCTIONS OF THE BOARD OF FUNERAL SERVICES

The Funeral Services Act establishes a self-governing body to administer the Act and regulate the practices of funeral directors and funeral service establishments in accordance with the Act and the Regulations in order that the public interest may be served and protected.

The Board is responsible for the review of the operation of this Act and the Regulations and for making recommendations to the Minister of Health thereon. On February 12, 1990, this responsibility was transferred to the Minister of Consumer & Commercial Relations. The Board approves or sets courses of study and examinations for the qualification of applicants for licensure.

Other responsibilities of this Board include establishing, maintaining and developing standards of qualification, practice and professional ethics for funeral directors and funeral service establishments.

The Funeral Services Act establishes four standing committees each to be composed of two funeral director members and one lay member - Executive, Licensing, Complaints and Discipline Committees.

As well, the Board is responsible for the administration of the Prearranged Funeral Services Act for which the Minister of Consumer & Commercial Relations is responsible. That Act is tied to the Funeral Services Act through the provision in the Regulations which makes it a matter of professional misconduct to contravene the requirements of the Prearranged Funeral Services Act or the Regulations thereunder. Formal complaints regarding prearranged funeral services and trust funds held for that purpose are heard by the Complaints Committee under the Funeral Services Act and any resulting charges of professional misconduct are heard by the Discipline Committee under the same Act.

REPORT OF THE CHAIRMAN

As chairman, I can report that this past year has been historic in the annals of the Board as we have moved with the fast changing world of funeral service and consumerism.

We have internally augmented our staff with another inspector which may be only a first step.

We have been a part of the legislative process which sees the government passing a new act which we now will administer. Let me point out that this has been a long process which has had the input of Board's both past and present. At this time we are involved with the process of drafting regulations. I can assure you that our input is very much respected by the government. This is a procedure that the Ministry of Consumer and Commercial Relations has never been part of. They have in times past drafted such regulation on their own. I commend them for having the forsight to include the Board in these deliberations. As you are aware this Board will shortly be under this new Ministry and the fact that we have access to the officials from the Minister on down should be beneficial to the Board and the mandate it serves.

Several investigations either on going or completed have taken place. Some have realized money shortfalls. These are all being very professionally handled and in my judgment are the result of the excellant action of our investigative staff. This Board and it's staff are proceeding on a path which has never before been seen by either the profession, the Ministry or the consumer.

The auditors are pleased, the Ministry is pleased and personally I am pleased. We have a very industrous, cohesive group of professionals guiding our office.

I would also like to commend and thank all the Board members for their diligence, dedication and support over this past year. It has been most appreciated. We must remember we are a team, only as good as each of its members.

REPORT OF THE REGISTRAR

Since last annual meeting, the Board has convened 11 times and there have been nearly 50 meetings of the Executive, Personnel, Licencing, Finance, Complaints and Regulation Committees. In addition Board members have attended meetings with government representatives, functions connected with licencing obligations, and Discipline Hearings.

The fruits of these hours would be few if there were not an able and dedicated staff to carry out and put in place the policies and decisions reached at these many meetings. I wish to extend my thanks to them all.

The watts line continues to receive heavy usage and the fax machine acquired this year has proved to be a useful addition. It is regrettable that these two items are not used a little more by the public and a little less by funeral service personnel. In my view this emphasizes the need for this Board to make public education a priority for the coming year.

Once new legislation is in place, we will be ready to comply with all aspects of the French language law. In the meantime, the telephones are being answered in compliance and with two bilingual persons on staff as well as one other with some fluency, no problems should arise.

One full year has now passed with the financial records on the computer and it has been a relief to be able to produce a cheque list and a "cash to budget" position for each Board Meeting.

On the down side, some comments must be made about the appalling state of over 50% of the licence renewals this year. Sloppy errors and carelessness were only surpassed by the discourteous response of many funeral directors when the forms were returned for correction.

Considering that these are legal documents - signed and witnessed - it is surprising that they are taken so lightly. I will be endeavoring to visit as many districts as possible during the coming year in order to answer questions on the new legislation. You may be sure that I will be stressing the importance of accuracy in providing information to the Board.

Early in the year, the firm of Porter & Posluns was appointed as legal counsel to the Board of Funeral Services. Their larger staff have greatly improved our efficiency in Complaints and Discipline matters and on general matters they are always most accomodating.

This has been important during the past year as there has been an increase in the number of matters before the Board which require legal action. There is no doubt that this is in part as a result of the revised and improved inspection procedures as well as the addition of a new inspector to the staff.

Ontario Funeral Service Establishments are inspected on a regular basis. These inspections are unannounced and cover the premises, equipment, facilities and books, records and trust accounts pertaining to prepaid funerals.

A thorough system is used so that inspections are conducted in a consistent manner throughout the province. In addition to a thorough inspection of the premises to ensure that requirements under the Funeral Services Act are being fulfilled, there is an inspection of a random sample of past funeral files, both those arranged at the time of need and those which were prearranged. A sample of contracts is checked for appropriate details, and valued as to principal and accrued interest. Bank confirmations are obtained from the institutions where the prepaid trust funds are deposited.

In 1989, random inspections were carried out in 95 funeral homes. Some form of remedial action or correction was required in 39 locations. The majority of the problems were associated with preparation rooms while insufficient records and contract information comprised the second category. In each case, a follow-up is used to ensure that appropriate action has been taken.

These statistics do not include inspections that were carried out as a result of consumer complaints.

The Board will continue to inspect funeral homes throughout the province and intends to increase its inspection staff in 1990.

1990 will be an epic year as the new decade brings new legislation, an expanded Board and many new challenges. A strong Board will be needed to lead the way, particularly in the blending of established traditional values with a new emphasis on consumerism. I, like you, look forward to that challenge.

LICENSING COMMITTEE

In 1989, the Licensing Committee was comprised as follows:

Frank G. Eagleson - Chairperson
Barbara Beck *
James Reid

This Committee reviews applications for registration as in-service trainees (apprentices) and licensing as a funeral director or licensing as a funeral service establishment where the applicants do not meet the specific requirements for licensing as set out by the Funeral Services Act and the Regulations.

The Committee conducts practical, essay and objective examinations for candidates for licensure in June of each year with rewrites for unsuccessful candidates allowed every six months. Examinations are given in either French or English depending on the candidate's preference. 72 candidates took licensing exams and 67 were successful. 5 were granted a rewrite in December and 2 passed. In summary, 69 new licences were issued to funeral directors in 1989.

In 1989, there were a total of 525 licensed funeral service establishments and 2,111 licensed funeral directors in Ontario.

The Licensing Committee has been given the responsibility for administering Continuing Education which is mandatory for every active, licensed funeral director every five years. This is held in the spring of each year for 1-1/2 days. In 1989, the 375 participants attended seminars covering communication, legislative issues, embalming, legal considerations and grief therapy.

The major initiatives of the 1989 Licencing Committee were:

1. Improvement of the Examination procedures.

2. Improvement of working conditions for apprentices.

3. Updating the format of Continuing Education (now known as Professional Development).

4. Continuation of the interaction with the Conference of Funeral Service Examening Boards in the United States.

COMPLAINTS COMMITTEE

The 1989 Complaints Committee was established as follows:

Barbara Beck* - Chairperson
James Erb
Frank Eagleson

The Complaints Committee met on a regular basis to render decisions regarding written complaints which had been received by the Board regarding the conduct or actions of a funeral director.

Fifteen written complaints were referred to the Complaints Committee for resolution during the past year. The Committee reviewed the written material very carefully and each complaint was given serious consideration.

Five of the complaints were deemed to be of a serious nature and were referred to the Discipline Committee.

Of the fifteen complaints, ten complaints did not warrant disciplinary action and therefore were not referred to the Discipline Committee. In the Complaints Committee's opinion, three of the ten complaints were not justified. However, seven complaints resulted in decisions to recommend that specific remedial action be taken to resolve the complaints satisfactorily. In four instances, the recommendations were favorably received and the advice followed. Three of the decisions made by the Committee were appealed to the Review Board. The Review Board upheld the decisions made by the Committee on two occasions and one case is pending as of this date.

The Board attempts to make the public aware of the complaints process that is set out by the Funeral Services Act. This information is given out to the many members of the public who call the Board Office throughout the year and through the Board's general information brochure.

The Board's brochure is available, at no charge, directly from the Board, and from licenced funeral homes throughout the Province. As well, many public service agencies, self-help groups and schools stock the brochure.

DISCIPLINE COMMITTEE

The 1989 Discipline Committee was composed of the following members:

Elizabeth Castelli* - Chairperson
James Reid
Donald Smith

This Committee hears and determines allegations of professional misconduct or incompetence against any funeral director as referred to it by the Executive Committee or the Complaints Committee. The Discipline Committee must determine whether, upon the evidence and the fact, the funeral director is guilty of any professional misconduct or incompetence.

The Discipline Committee determines the penalty to be imposed in cases in which it finds the funeral director guilty of professional misconduct or incompetence. These penalties range from suspension of licences to revocation of licences, publishing of convictions, fines, and in the case of incompetence, can include a requirement for treatment and/or additional training.

Two cases were heard by the Discipline Committee in 1989.

Results were as follows:

1. A Funeral Director was charged under Section 16 (b) of Regulation 399 under the Funeral Services Act with failure to maintain the standard of practice of a funeral director.

   He was found guilty and a reprimand was issued.

2. A Funeral Director was charged under Section 16 (d) of Regulation 399 with permitting, counselling or assisting any person who is not licenced under the Act to engage in the practice of funeral directing.

   He was found guilty and his licence was suspended.

There are three cases pending for hearing by the Discipline Committee.

BOARD MEETINGS

The Board of Funeral Services and its Committees met for 20 days in 1989. In addition, Board business was transacted 8 times by Conference Call.

PHYSICAL PLANT

The offices of the Board of Funeral Services are located at:

Suite 1609
415 Yonge Street
TORONTO, Ontario
M5B 2E6

Telephone: 1-416-979-5450
Toll Free: 1-800-387-4458
Fax No: 1-416-979-0384

There are seven years remaining on a ten year lease.